IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Writ Petition No.547 of 2003.

Date of decision:27.12.2005.

State of H.P. & Others. **…..Petitioners.**

Versus

Presiding Judge & Others. **…..Respondents.**

Coram

The Hon'ble Mr.Justice K C Sood,J.

Whether approved for reporting ?[1]

For the Petitioners: **Mr.M.S.Chandel,Advocate General assisted by Mr.Ashok Chaudhary, Additional Advocate General.**

For Respondent No.2: **Mr.C.N. Singh, Advocate.**

For Respondent No.3: **Mr.Manohar Lal Sharma, Advocate.**

K C SOOD,J.(Oral).

This petition is directed against the award dated 20th March, 2003 made by the Presiding Judge, H.P. Labour Court, Shimla, in Reference No.57 of 2001.

It appears, in Reference Kirat Chauhan, respondent herein, claimed that he was engaged as daily waged beldar by the Petitioner-Department on 10th July, 1995 on daily wages of Rs.45.75 paise. He worked till 25th December, 1995. His services were dispensed with without serving any notice on him and juniors to him were retained. The petitioners opposed the claim on several grounds including the limitation and maintainability. On merits it was stated that the respondent was engaged on

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement?***

daily wages w.e.f. 10th July, 1995. He abandoned the job on his own and thereafter did not return back.

It was admitted before the Labour Court that the respondent was paid wages from 25th October, 1995 to 25th December, 1995, pursuant to the directions issued by the Labour Court. The Labour Court, on the basis of the manday chart of the petitioners produced before it, concluded that the respondent was engaged alongwith Bhagat Singh and Roshan Lal on the same day i.e. 10th July, 1995. One Padam Singh, who was engaged on 26th September, 1995, was junior to the respondent was retained in the service in violation to Section 25-G of the Act.

It is in view of the evidence as produced by the present petitioners that the Reference was answered in affirmative and the respondent was to be directed to be re-engaged as daily waged beldar on and with effect from the day he reports for duty to the Executive Engineer, I&PH Division, Nerwa, District Shimla, H.P.

In this view of the matter, no interfere with the well reasoned award which has been made taking into account the manday chart of the respondent, as produced by the present petitioners, is called for.

No merits.

Dismissed.

No costs.

CMP No.1084 of 2004.

Infructuous, in view of the dismissal of the main petition.

December 27, 2005. **(K C Sood)**
(aks) **Judge.**